

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION II

DATE:

MAY 24 1989

SUBJECT:

EXPEDITED ACTION MEMORANDUM for Immediate Removal Action at the Tidewater Baling Site, Newark, Essex County, New Jersey

FROM:

Eugene G. Dominach, On-Scene-Coordinator  
Removal Action Branch *Eugene G. Dominach*

TO:

Stephen D. Luftig, Director  
Emergency and Remedial Response Division

THRU:

*R. Salkie*  
Richard C. Salkie, Associate Director for  
Removal and Emergency Preparedness Programs

In response to the State of New Jersey's request that the EPA consider the site for CERCLA removal action, a site removal evaluation has been performed. During a site visit to determine off-site flow patterns, oily discharge was observed leaving the Tidewater Baling Company, Inc. (Tidewater) property which was impacting an area of the adjacent Ironbound Recreational grounds known as the marshy area under the "scoreboard" (see attached site layout). A Field Notice of Release under CERCLA jurisdiction, has been issued to Tidewater to cease discharging to the marshy area giving them 10 days to respond as to how they will correct the situation. The same Notice is to be given to Conrail.

Also, Field Notices to prevent direct contact with hazardous substances at the marshy area, have been issued to Tidewater and the City of Newark with a one (1) working day response time.

Both entities have declined to take appropriate action on the marshy area.

EPA plans to repair the fence around the marshy area under the scoreboard, including replacing some 500 feet in one area and installing a large gate in another area. Hazardous Waste warning signs in three languages will be suitably placed. Absorbent material will be placed at selected locations to trap for disposal any oily material escaping from the marsh. One end of the marsh will be bermed to prevent liquid from flowing toward the ball playing end of the recreational area grounds.

On several occasions as many as 35 children, plus many adults, have been observed playing on the recreational grounds ignoring the warning signs installed by the City of Newark on the perimeter fence when the City closed the playground. One of the principal pathways of access to the grounds is through the marshy area.

Sampling of soils by the State in the marshy area has confirmed the presence of PCB's at 100 ppm, lead at 130 ppm, arsenic at 26 ppm, cadmium at 3.3 ppm, hexavalent chromium at 5.6 ppm and zinc at 250 ppm. All the above are hazardous substances as defined in CERCLA, and hazardous wastes or hazardous constituents as defined in RCRA. Tidewater has taken action and removed much of the more obviously contaminated soil, however, prolonged continuous discharges have recontaminated the area. Much higher levels of contamination have been found in materials on the Tidewater Baling property.

The State has issued an Administrative Consent Order to Tidewater but they have not complied with its directives. The State is also working with the city concerning other contamination found on the recreational grounds involving phenols purportedly placed there by the Celanese Corporation.

An oil, allegedly emanating from the Ironbound Recreational Building ice skating facility, is being addressed under a separate Field Expedited Notice for oil spills.

The agency is also negotiating a TSCA consent order with Tidewater resolving a complaint concerning improper use of hydraulic oil containing PCB's. Office of Regional Counsel and the TSCA Branch have been notified of the pending CERCLA action.

The proposed project ceiling for the expedited action is \$100,000, of which \$50,000 is for mitigation contracting monies and \$50,000 is for TAT and EPA operating costs.

An Action Memorandum dealing with the full details regarding this complex site will follow.

It is recommended that you approve this proposed removal action as given above. This site meets the criteria for a removal action under 40 CFR Section 300.65(b)(2) of the National Oil and Hazardous Substance Pollution Contingency Plan, in that there exists:

1. Actual or potential exposure to hazardous substances or pollutants or contaminants by nearby populations, animals or foodchain [(b)(2)(i)];
2. There are no other appropriate Federal or State response mechanisms to respond to the particular release in question here [(b)(2)(vii)].

As required by Section 104(a)(2) of CERCLA, as amended by SARA, this removal action will contribute to the efficient performance of the long term remedial actions ~~that~~ are planned for this site.

Please indicate your approval and authorization of funding for the Tidewater Baling site by signing below per current delegation of authority. There are funds available in the region's current Advice of Allowance for this project.

Approved

Stephen D. Luftig  
Stephen D. Luftig, Director

Date

7/20/89

Disapproved

Stephen D. Luftig, Director

Date

cc: (after approval is obtained)

S. Luftig, 2ERR  
R. Salkie, 2ERR-ADREPP  
G. Zachos, 2ERR-RAB  
G. Pavlou, 2ERRD-ADEP  
D. Santella, 2ERRD-PSB  
D. Karlen, 2ORC-NJSUP  
R. Gherardi, 2OPM-FIN  
S. Anderson, PM-214F (EXPRESS MAIL)  
T. Fields, OS-210  
J. Trela, NJDEP  
L. Greyson, NJDEP  
C. Moyik, 2ERRD-PS  
L. Guarneiri OS-210  
J. Rosianski, 2OEP  
S. Murphy, 2OPM-FAM





KEARNY

HARRISON

ERIE-LACKAWANNA

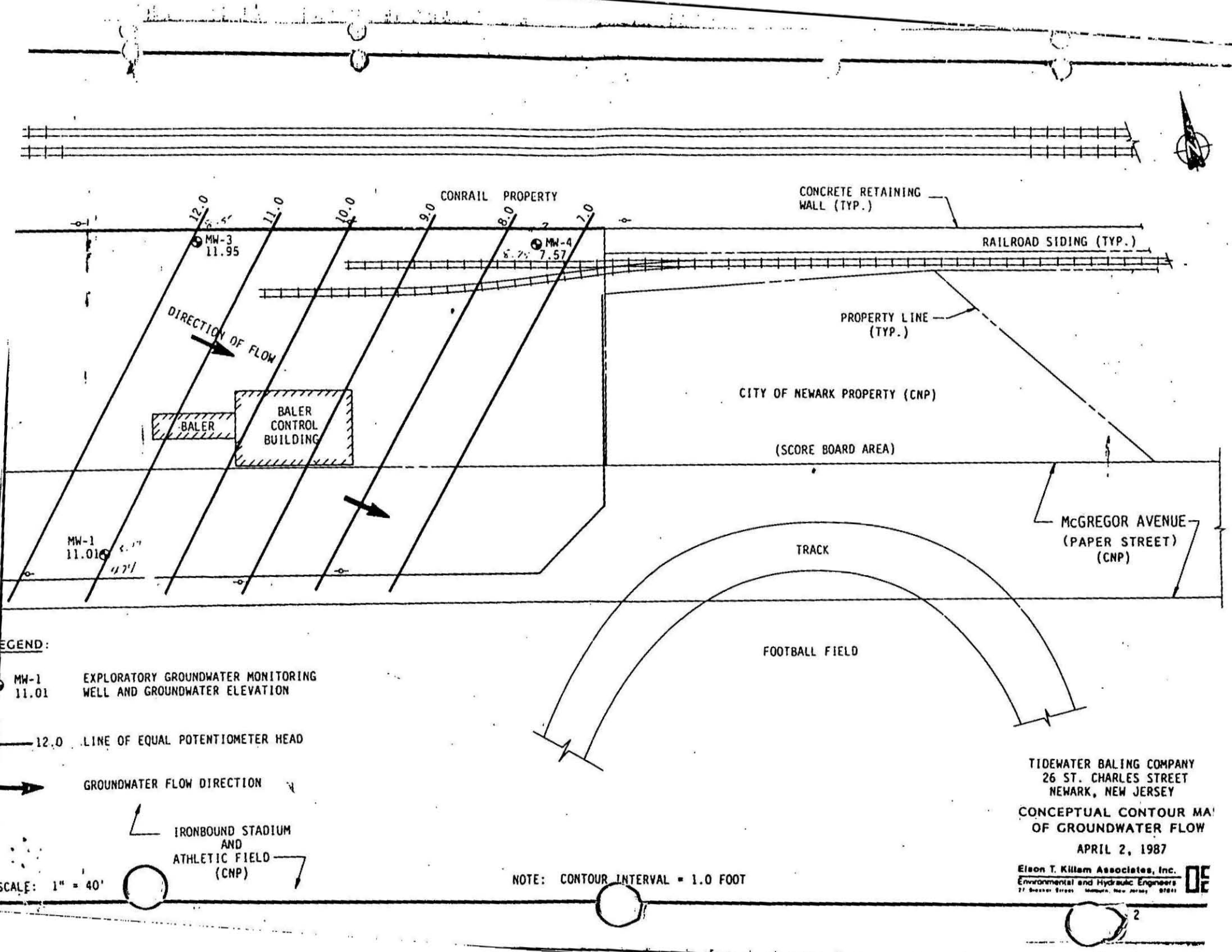
HUDSON CO  
ESSEX CO

RIVER

Approach  
Site Location

NEWARK AIRPORT  
(Under Construction)

Tidewater Baling Corp.  
St. Charles St.  
Newark, Essex Co.  
Lat. 40°43'42"  
Long. 74°08'15"  
Elizabeth Quad.



NOTICE TO RESPONSIBLE PARTY UNDER THE COMPREHENSIVE ENVIRONMENTAL RESPONSE,  
COMPENSATION AND LIABILITY ACT OF 1980

AS AMENDED BY SARA, 1986

DATE OF ISSUANCE: <i>MAY 19, 1989</i>	NAME & TITLE OF NOTICE RECIPIENT: <i>MEYER SHAPIRO</i> <i>PRESIDENT</i>
ADDRESSEE: <i>Tidewater Baling</i> <i>26 St. Charles St</i> <i>Newark N.J. 07102</i>	NAME OF RESPONSIBLE PARTY: <i>Tidewater Baling, et al.</i>

The United States Environmental Protection Agency (EPA) hereby notifies you that you may be liable under the Comprehensive Environmental Response, Compensation and Liability Act of 1980, 42 U.S.C. §9601 et seq., (CERCLA) for the release and/or threatened release of pollutants, contaminants and/or hazardous substances as defined by CERCLA.

The release and/or threatened release noticed herein, has occurred on

(Date) *on going*, is located at *Troubadour Recreational Center St Charles Street Newark NJ*

and consists of (Description of Incident) *PCB's and heavy metals (As, Pb, Zn, Cr, Cd) in the soil and an oily substance*

The EPA hereby requests that by *COB 22 May 1989* you report to the EPA, Region II, at the address and telephone number indicated below, those removal activities, in conformance with 42 U.S.C. §9601(23), which you have performed and/or those removal activities which you plan to perform immediately, to prevent, correct, clean up, minimize or mitigate the above-described release and/or threatened release. *the minimum initial requirement is to prevent access to the marshland nearby area, mitigate the oily substance and provide a barrier for the total cleanup of the site.*

You are hereby notified that upon your failure to perform immediate and proper removal activities with regard to the above-described release and/or threatened release, EPA, pursuant to 42 U.S.C. §9604, may perform such removal activities, and EPA will hold you liable for all costs of removal and for damages for injury to, destruction of, or loss of natural resources, including the reasonable costs of assessing such injury, destruction, or loss, if you are determined to be a responsible party.

If you deny responsibility for the above-described release and/or threatened release, you are requested to immediately advise EPA at the address and telephone number indicated below of the specific basis for your denial of responsibility.

FOR THE REGIONAL ADMINISTRATOR EPA REGION II  NAME: <i>Eugene Dominach</i>  TITLE: <i>on scene coordinator</i> <i>Eugene Dominach</i>	EPA ADDRESS AND TELEPHONE NUMBER:  U.S. EPA, Region II Emergency Response Branch Woodbridge Avenue Edison, New Jersey 08837 (201) 548-8730 (24-hour Hotline) (201) 321-6657 (Business Hours)
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NOTICE TO RESPONSIBLE PARTY UNDER THE COMPREHENSIVE ENVIRONMENTAL RESPONSE,  
COMPENSATION AND LIABILITY ACT OF 1980

AS AMENDED BY SARA, 1986

DATE OF ISSUANCE: <u>May 19, 1989</u>	NAME & TITLE OF NOTICE RECIPIENT: <u>Mr. Arturo Lopez</u> <u>Director of General Services</u> <u>cc Al ZACH Director of Engineering</u>
ADDRESSEE: <u>Mr. Arturo Lopez for</u> <u>City of Newark</u> <u>920 Broad Street</u> <u>Newark, N.J. 07102</u>	NAME OF RESPONSIBLE PARTY: <u>City of Newark, N.J.</u>

The United States Environmental Protection Agency (EPA) hereby notifies you that you may be liable under the Comprehensive Environmental Response, Compensation and Liability Act of 1980, 42 U.S.C. §9601 et seq., (CERCLA) for the release and/or threatened release of pollutants, contaminants and/or hazardous substances as defined by CERCLA.

The release and/or threatened release noticed herein, has occurred on

(Date) ongoing, is located at Ironbound Recreational Center  
St. Charles Street Newark N.J.

and consists of (Description of Incident) PCB's and heavy metals  
As, Pb, Zn, Cr, Cd) in the soil and an oily substance

The EPA hereby requests that by COB 22 May 1989 you report to the EPA, Region II, at the address and telephone number indicated below, those removal activities, in conformance with 42 U.S.C. §9601(23), which you have performed and/or those removal activities which you plan to perform immediately, to prevent, correct, clean up, minimize or mitigate the above-described release and/or threatened release.

*The minimum requirement is to prevent access to the scoreboard marshy area, mitigate the oily substance and provide a schedule for the total cleanup of site.*

You are hereby notified that upon your failure to perform immediate and proper removal activities with regard to the above-described release and/or threatened release, EPA, pursuant to 42 U.S.C. §9604, may perform such removal activities, and EPA will hold you liable for all costs of removal and for damages for injury to, destruction of, or loss of natural resources, including the reasonable costs of assessing such injury, destruction, or loss, if you are determined to be a responsible party.

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FOR THE REGIONAL ADMINISTRATOR EPA REGION II  NAME: <u>Eugene Dominiach</u>  TITLE: <u>On Scene Coordinator</u> <u>Eugene Dominiach</u>	EPA ADDRESS AND TELEPHONE NUMBER:  U.S. EPA, Region II Emergency Response Branch Woodbridge Avenue Edison, New Jersey 08837 (201) 548-8730 (24-hour Hotline) (201) 321-6657 (Business Hours)
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